UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 W. JACKSON BLVD
CHICAGO, IL 60604

23 APR 2012

MEMORANDUM

SUBJECT: ACTION MEMORANDUM - Request for Approval and Funding for a Time-Critical Removal Action at the Harris-Thomas Industries Site, Dayton, Montgomery County, Ohio (Site ID # C5D3)

FROM: Steve Renninger, OSC
Emergency Response Branch 1

THRU: Jason H. El-Zein, Chief
Emergency Response Branch 1

TO: Richard C. Karl, Director
Superfund Division

I. PURPOSE

The purpose of this memorandum is to document verbal approval of emergency response funding to stabilize site conditions on February 3 and March 20, 2012, and to request and document your approval for the United States Environmental Protection Agency (U.S. EPA) to expend up to $877,713 to conduct a time-critical removal action at the Harris-Thomas Industries, Inc. (HTI) Site (the Site) in Dayton, Montgomery County, Ohio. On February 2, 2012, OSC Steve Renninger received verbal approval from Emergency Response Branch Chief Jason H. El-Zein for $5,000 to stabilize the transformer spill at the Site.

The response actions proposed herein are necessary in order to mitigate threats to public health, welfare, and the environment posed by the presence of uncontrolled hazardous substances at the Site, an abandoned former metal forging facility. The presence of hazardous substances existing at the Site has been documented, including flammable, corrosive, toxic and heavy metal waste streams.

The time-critical removal action proposed herein will mitigate the threats by properly identifying, consolidating, packaging, and ultimately removing and disposing off-site the abandoned hazardous substances, pollutants and contaminants at a CERCLA-approved disposal facility in accordance with U.S. EPA's Off-Site Rule (40 C.F.R. § 300.440). Additional Site activities will include Site security, perimeter air monitoring, removing heavy metal-contaminated floor sweepings and solids from the building walls

R

and pumping out liquids and sludge in at least 10 on-site pits, which will need to be decontaminated to complete the removal action.

This response action will be conducted in accordance with Section 104(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(a)(1), and 40 C.F.R. § 300.415 (*Removal action*) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) to abate or eliminate the immediate threats posed to public health and/or the environment.

The uncontrolled conditions of the hazardous substances present at the Site require that this action be classified as a time-critical removal action. The project will require approximately 40 working days to complete.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID: OHN000510707
Category: Time-Critical Removal Action

Historic records indicate that the Site has been occupied by an oil distributor, metal foundries, boiler makers, painting contractors, a metal treating company and metal forging companies. The Site is currently vacant and abandoned, with incidents of frequent trespassing and vandalism on site.

A. Site Conditions and Background

1. Removal Site Evaluation

a) Site Background

The Site was vacated in 2006 by HTI, which utilized the Site to manufacture steel parts for the automotive and other industries. The property was transferred to HTI by Harris Thomas Drop Forge Company (HTDFC) in 1998. Prior to that time, HTDFC held ownership to the parcels since at least 1960. The Site is occupied by seven separate, mostly one-story buildings (one composed of approximately eight additions) of various construction. The buildings encompass approximately 30,000 square feet of area, and are located on one parcel totaling approximately 2.5 acres. Historic records indicate that the Site has been occupied by various operators, including an oil distributor (1898), metal foundries (early 1900s), boiler makers (early 1900s), painting contractors (1960s), a metal treating company (1970s) and metal forging companies (1920s to 2006).

On February 2, 2012, the Dayton Fire Department (DFD) and the Ohio Environmental Protection Agency (Ohio EPA) investigated a report of transformer oil leaking from the facility roof onto a City of Dayton right-of-way sidewalk along Harshman Street. Due to site trespassing and vandalism (from "scrappers"), transformer oil was released and spilled on the roof, building, and adjacent sidewalk. Ohio EPA and DFD conducted a site inspection within the facility and not only observed the oil which

had been released from the vandalized transformers on the roof to the sidewalk, but also observed numerous abandoned 55-gallon drums, containers and pits containing unknown liquids. Ohio EPA requested emergency stabilization assistance from U.S. EPA. On February 2, 2012, OSC Steve Renninger initiated an emergency stabilization action.

On February 3, 2012, DFD, U.S. EPA OSC Steve Renninger, U.S. EPA's Superfund Technical Assessment and Response Team (START) and U.S. EPA's Emergency Rapid Response Services (ERRS) contractors mobilized to the site and conducted emergency stabilization activities to limit the impact of the transformer oil which had been released to the ground from the transformers on the roof. U.S. EPA observed 4 transformers in an unsecured, fenced-in cage on the northwestern corner of the Die Shop Building roof (Building G in Figure A-2). The ERRS contractor bulked oil-contaminated roofing debris into drums and used absorbent pads and a shop-vac to collect the pools of oil on the roof. ERRS secured the transformer cage with a chain and lock and placed absorbent boom around the transformer cage, placed absorbent boom into the roof gutters and also on the ground where the transformer oil was flowing off the property.

In a letter dated February 3, 2012, Ohio EPA formally requested assistance from U.S. EPA to determine if the Site meets the criteria for a removal action (Ohio EPA, February 2012).

On February 6, 2012, DFD requested assistance from U.S. EPA to evaluate the Site for an emergency removal action to remove the hazardous waste on Site.

On February 10 and March 7, 2012, U.S. EPA mobilized to the Site and conducted two site inspections of the facility and observed approximately 25 55-gallon drums and 25 containers (having a volume of 5-gallons or less) containing unknown liquids; 10 pits containing unknown liquids; four roof and three large outside (7 total) transformers (potentially containing polychlorinated biphenyls [PCBs]); compressed gas cylinders; and floor sweepings (similar to foundry sand) on the floors and walls throughout the property. During the inspections, the U.S. EPA documented bulging 55-gallon drums and containers containing flammable, corrosive and toxic hazardous waste. In addition, U.S. EPA documented floor sweepings and wall solids containing elevated heavy metal (chromium and lead) concentrations. Uncontrolled heavy metals-contaminated waste piles were located adjacent to storm-water drains and accumulated near perimeter fencing due to migration during rain events.

All electric utilities have been shut off to the Site. A fence extends around the property to prevent access, but there are numerous breaches in the fence. There have been at least two reported incidents of breaking and entering and vandalism (from "scrappers") on the property since February 2012.

On March 19, 2012, DFD, Ohio EPA and the City of Dayton's Division of Environmental Management responded to another transformer oil release at the Site. Trespassers accessed the property and climbed onto the roof (for the second time) of the Die Shop Building. The transformer cage which had been secured by U.S. EPA on

February 3, 2012, was cut and removed and one of the four remaining transformers was tipped over and stolen by "scrappers" to access the copper wiring inside the unit. The oil inside the transformer spilled onto the roof and subsequently off the roof, onto the ground and off-site onto the City of Dayton sidewalk right-of-way. A copy of the police report is included as part of the Administrative Record (Dayton Police Department, March 2012). Ohio EPA requested emergency assistance from U.S. EPA to stabilize the release.

On March 20, 2012, DFD, U.S. EPA, START and ERRS remobilized to the Site and observed that the fencing surrounding the transformers had been breached and that one of the transformers had been stolen and the oil within the transformer had been released onto the roof. ERRS spread absorbent onto the areas where oil was pooled or stained on the roof and the ground. In addition, ERRS replaced the absorbent boom which had been impacted by the release and added additional layers of the absorbent boom at the point where the release had exited the Site.

b) Ohio EPA

On February 2, 2012, Ohio EPA responded to oil leaking from the facility onto a City of Dayton sidewalk right-of-way along Harshman Street. Ohio EPA entered the property and observed that "scrappers" had trespassed onto the property and climbed onto the Die Shop Building roof and drained the oil from three of the four transformers in an attempt to access the copper wiring from within the units. Pools of oil and oil staining were observed on the roof and around the transformers and within the roof gutter. Because there was not a downspout leading from the gutter to the ground, all rainwater and oil from the roof flowed into the gutters and onto the ground and then off the property onto the sidewalk. Ohio EPA immediately contacted U.S. EPA for emergency assistance to stabilize the transformer oil release. Ohio EPA observed that the property was not secured. At least three breaches in the perimeter fencing were observed along Harshman Street and East 1st Street.

In a letter dated February 3, 2012, Ohio EPA formally requested assistance from U.S. EPA to determine if the Site meets the criteria for a removal action (Ohio EPA, February 2012).

c) Dayton Fire Department

On February 2, 2012, DFD representatives Carson Cockayne and Andrew Steele responded to oil leaking from the facility onto a City of Dayton sidewalk right-of-way along Harshman Street. DFD entered the property and observed that "scrappers" had trespassed onto the property and climbed onto the Die Shop Building roof and drained the oil from three transformers in an attempt to access the copper wiring from within the units. Pools of transformer oil and oil staining were observed on the roof and around the transformers and within the roof gutter. Because there was not a downspout leading from the gutter to the ground, all rainwater and oil from the roof flowed into the gutters and onto the ground and then off the property onto the sidewalk. DFD observed that the property was not secured. At least three breaches in the perimeter fencing were observed

along Harshman Street and East 1st Street. On February 2, 2012, DFD verbally requested U.S. EPA assistance at the Site and accompanied U.S. EPA on a Site inspection, including an overview of the vandalized roof transformers utilizing a DFD ladder truck.

In a letter dated February 6, 2012, DFD formally requested assistance from U.S. EPA to determine if the Site meets the criteria for a time-critical removal action (Dayton Fire Department, February 2012).

On March 19, 2012, DFD Cockayne responded to another oil release at the Site. Trespassers accessed the property and climbed onto the Die Shop Building roof. The transformer cage which had been secured by U.S. EPA on February 3, 2012, was cut and removed and one of the four remaining transformers was tipped over by "scrappers" to access the copper wiring inside. The oil inside the transformer was spilled onto the roof and subsequently off the roof, onto the ground and off-site, onto the City of Dayton sidewalk right-of-way. A copy of the police report is included as part of the Administrative Record (Dayton Police Department, March 2012).

d) City of Dayton

In an email dated March 24, 2012, the City of Dayton House Inspection Department's Nuisance Abatement program, formally requested assistance from U.S. EPA to evaluate the property for additional security measures to limit unauthorized access (Housing Inspection Department, March 2012).

In a letter dated March 26, 2012, City of Dayton Division of Environmental Management formally requested assistance from U.S. EPA to determine if the Site meets the criteria for a time-critical removal action (Division of Environmental Management, March 2012).

2. Physical Location

The HTI Site is located at 1400 East 1st Street (an alternate address is 126 Harshman Street) and is situated in a mixed commercial, industrial and residential area of Dayton, Montgomery County, Ohio, 45403 (Figure A-1). The geographical coordinates for the Site are 39° 45' 53.2938" North latitude and 84° 10' 11.643" West longitude. The Site is bordered to the north by East 1st Street, beyond which is a vacant lot, to the east by Schumacher Crane Rental and BBC Converters, to the south by East 2nd Street, beyond which are Service Master Clean/Angler Construction and Patented Printing, and to the west by Harshman Street, beyond which is First Street Recycling (Figure A-2). Commercial and industrial businesses are located within 500 feet of the Site, and the closest residences are located within 1,000 feet south of the Site.

The area surrounding the HTI Site was screened for Environmental Justice (EJ) concerns using Region 5's EJ Assist Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT)). Census tracts with a score of 1, 2, or 3 are considered to be high-priority potential EJ areas of concern

according to EPA Region 5. The HTI Site is in a census tract with a score of 3 (Attachment III). Therefore, Region 5 considers this Site to be a high-priority potential EJ area of concern. Please refer to the attached analysis for additional information.

3. Site Characteristics

On February 10 and March 7, 2012, OSC Renninger and U.S. EPA's START contractor performed a Site Assessment (Weston Solutions, April 2012). Activities performed during the Site Assessment included:

- Documenting Site conditions;
- Using an INNOV-X X-Ray Fluorescence (XRF) metals analyzer;
- Collecting samples from containers, pits, floor sweepings and wall solids; and
- Submitting the samples for commercial laboratory analysis.

During the U.S. EPA Site Assessment, approximately 25 55-gallon drums and 25 containers (having a volume of 5-gallons or less) containing unknown liquids, 10 pits containing unknown liquids, compressed gas cylinders and four transformers were documented abandoned on Site. Many of 55-gallon drums and containers contained labels such as "Muriatic Acid", "Lacquer Thinner" and "Hydraulic Oil." Numerous drums and containers were in poor condition and bulging. Commercial properties are located within 500 feet of the western and eastern perimeter of the Site. Residential properties are located within 1,000 feet south of the Site.

Field screening and pH testing of 55-gallon drums and containers indicated that many of the materials met the RCRA criteria for characteristic hazardous waste including ignitability and corrosivity. INNOV-X XRF heavy metal field screening of the floor sweepings and unknown solids piled on the walls of the buildings documented widespread heavy metals-contamination with total chromium concentrations as high as 21,617 parts per million (ppm) and total lead concentrations as high as 57,629 ppm.

A total of 34 XRF samples were collected and analyzed with the XRF unit throughout the property. The total lead results from the outside soil, floor sweepings and wall solids were compared to U.S. EPA's Regional Screening Levels (RSL) for the protection of groundwater. The U.S. EPA Superfund Program developed the RSLs as risk-based soil screening levels considered protective of groundwater that may be used to set initial cleanup criteria or help identify areas, contaminants, and conditions that require further federal attention. A total of 24 XRF samples from outside soil, floor sweepings or wall solids showed total lead concentrations ranging from 818 to 57,629 ppm, which exceeds the U.S. EPA lead RSL of 800 ppm (industrial properties). The XRF lead results for the floor sweepings and the wall solids were compared to the RSL due to numerous open bay doors leading to the environment and leaking roofs in each of the buildings. XRF results from waste piles located within 5-feet of a storm-water drain showed total lead concentrations as high as 1,035 ppm. The potential exists for rain to enter the various

facility buildings and cause lead migration into the outside soil, storm-water sewer drains and the environment, which could then lead to groundwater contamination.

U.S. EPA collected the following samples during its Site Assessment: seven liquid samples from containers and pits; and 14 solids samples from the floor, wall and unknown solids outside of the building. The samples were submitted for commercial laboratory analysis. Analytical results from the U.S. EPA Site Assessment documented that ignitable, corrosive and toxic hazardous substances are present on Site. In addition, the Site Assessment documented elevated concentrations of total chromium and total lead are located in the floor sweepings and wall solids throughout the facility. Table B-1 summarizes the U.S. EPA Site Assessment sampling results and Table B-2 and Figure A-3 summarizes the XRF sampling results.

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

A threat of release of hazardous substances, pollutants, or contaminants is present at the Site due to the presence of ignitable, corrosive and toxic chemicals in containers and heavy metal (chromium and lead) concentrations in the floor sweepings and wall solids. The Site buildings are structurally impaired with openings in the roof and walls increasing the threat of release due to weather conditions. Additionally, two recent cases of vandalism at the Site have caused the release of transformer oil from the roof to adjacent public sidewalks.

U.S. EPA documented the presence of hazardous substances and pollutants during its Site Assessment activities conducted on February 10 and March 7, 2012. The U.S. EPA Site Assessment Report, including analytical data, is included in the Administrative Record for the Site.

There have been two documented incidents where trespassers ("scrappers") have entered the property and have released transformer oil into the environment.

5. NPL status

The Site is not on the National Priorities List (NPL).

6. Maps, pictures and other graphic representations

Figure A-1 Site Location Map, Figure A-2 Site Layout Map, Figure A-3 XRF Sampling Location Map, Figure A-4 Photos, and Attachment 1 - Environmental Justice (EJ) analysis are included as attachments.

B. <u>Other Actions to Date</u>

1. Previous actions

Previous actions by Ohio EPA and DFD have been documented in the Background section (Section II.A.2).

2. Current actions

The Site has been documented to contain containers of ignitable, corrosive and toxic chemicals and floor sweepings and wall solids containing elevated concentrations of heavy metals (chromium and lead). The Site is currently vacant, and there have been two reported incidents (in February and March 2012) of trespassing and vandalism which resulted in the release of transformer oil to the environment. The possibility exists that illegal trespassing could continue which may result in a potential exposure to public health or welfare or the environment.

C. State and Local Authorities' Roles

In a letter dated February 3, 2012, the Ohio EPA formally requested assistance from U.S. EPA to determine if the Site meets the criteria for a removal action (Ohio EPA, February 2012).

In a letter dated February 6, 2012, DFD formally requested assistance from U.S. EPA to determine if the Site meets the criteria for a time-critical removal action (Dayton Fire Department, February 2012). According to DFD, the Site is not secure, and that "scrappers" have been on site and there appears to be numerous environmental concerns, including machinery pits with standing fluids, various abandoned and unsecured chemical containers with contents, oily residue and machining product throughout the facility (both interior and exterior).

In a letter dated March 26, 2012, City of Dayton Division of Environmental Management formally requested assistance from U.S. EPA to determine if the Site meets the criteria for a time-critical removal action (Division of Environmental Management, March 2012).

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the HTI Site present a threat to the public health or welfare, and the environment, and meet the criteria for a time-critical removal action as provided for in the NCP, 40 C.F.R. § 300.415(b)(2). These criteria include, but are not limited to, the following:

Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;

During the February 10 and March 7, 2012, U.S. EPA Site Investigation, the U.S. EPA documented abandoned chemical waste including containers containing ignitable,

corrosive and toxic hazardous waste and floor sweeping and wall solids containing heavy metal contamination at the Site. Drums and containers were noted to be in a deteriorated condition in many locations.

Analytical results from samples S-7, S-11 and S-12 documented liquid having flash points less than 140°F, which, according to 40 C.F.R. § 261.21, verifies the characteristic of a hazardous waste for ignitability (D001).

Analytical results from liquid sample S-8 documented liquid waste having a pH level less than 2.0 standard units, which, according to 40 C.F.R. § 261.22, verifies the characteristic of a hazardous waste for corrosivity (D002).

Analytical results from liquid sample S-7 documented a TCLP MEK concentration of 170,000 milligrams per liter (mg/L). The TCLP MEK concentration is greater than the TCLP MEK regulatory level of 200.0 mg/L, which, according to 40 C.F.R § 261.24, verifies the characteristic of a hazardous waste for toxicity (D035).

The toxicological effects of MEK have been studied by the Agency for Toxic Substances and Disease Registry (ATSDR) and/or EPA. Toxicological information is provided below and referenced in the Administrative Record (Attachment II).

2-Butanone (also known as MEK) - 2-Butanone is a colorless liquid with a sharp, sweet odor. Nearly half of its use is in paints and other coatings because it will quickly evaporate into the air and it dissolves many substances. It is also used in glues and as a cleaning agent. The known health effects to people from exposure to 2-butanone are irritation of the nose, throat, skin, and eyes. If 2-butanone is inhaled along with other chemicals that damage health, it can increase the amount of damage that occurs (ATSDR, September 1995).

U.S. EPA used an INNOV-X XRF metals analyzer and documented widespread heavy metals contamination, with elevated total chromium and total lead concentrations around the facility. Total chromium concentrations ranged from 6,561 to 7,270 ppm and total lead concentrations ranged from 672 to 1,035 ppm in unknown solids within 5 feet of a stormwater drain located outside of the storage shed north of the Press Shop building (Building I). Total lead concentrations were observed as high as 7,453 ppm from unknown solids located within the incinerator chimney of the Die Shop building (Building G). Total chromium was observed at 9,293 ppm in floor sweepings located in the storage shed north of the Press Shop building (Building I). Total chromium and total lead concentrations were observed in the floor sweepings of the Die Forging building (Building B) as high as 18,873 ppm and 1,501 ppm, respectively. Total chromium and total lead concentrations were observed in wall solids of the Die Forging building (Building B) as high as 21,617 ppm and 57,629 ppm. Total chromium and total lead concentrations were observed in the floor sweepings of the storage shed east of Building B as high as 2,444 ppm and 1,680 ppm, respectively. Total chromium and total lead concentrations were observed in the floor sweepings of the Steel Stock building (Building D) as high as 8,263 ppm and 1,408 ppm, respectively. Waste documented in floor

sweepings, waste piles and wall solids around the facility include heavy metal (chromium and lead) waste. There is a potential for the migration of heavy metal contaminated floor sweepings, waste piles and wall solids from leaking roofs into the environment and on-site stormwater drains.

Commercial businesses are located within 500 feet of the Site and residential locations are located within 1,000 feet of the Site. The Site has a history of trespassing. Two trespassing events which occurred in February and March 2012 resulted in the release of transformer oil (potentially containing PCBs) into the environment. The Site has a perimeter fence, but the fence is breached in at least three locations, allowing unrestricted access to the property. Even with the perimeter fencing around the Site, trespassing may still occur and an accidental or intentional release of hazardous material and contact with hazardous materials is possible. The close proximity of residential areas and commercial businesses immediately adjacent to the vacant and abandoned Site would greatly increase the likelihood of human health and environmental impacts should such an occurrence take place. Potential exposure could occur through each of these migration pathways and cause imminent endangerment to human health and the environment.

Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers that may pose a threat of release;

During the U. S. EPA Site Investigation, the OSC observed and documented the presence of approximately 25 55-gallon drums and 25 containers (having a volume of 5-gallons or less) and approximately 10 pits containing unknown liquids. Many of the drums and containers contained labels such as "Muriatic Acid", "Lacquer Thinner" and "Hydraulic Oil."

U.S. EPA samples confirmed the presence of ignitable, corrosive, and toxic (TCLP MEK) hazardous waste at the HTI Site. Analytical results are provided in Table B-1. In addition, U.S. EPA used an INNOV-X XRF metals analyzer to document elevated total chromium and total lead concentrations in floor sweepings, waste piles and wall solids throughout the Site. The XRF sampling results and sampling locations are provided in Table B-2 and Figure A-2, respectively.

Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

Southwestern Ohio receives a substantial amount of precipitation during spring, and winter temperatures are normally below freezing with regular snowfall. Weather conditions will contribute to the further deterioration of the building and waste drums. The building is abandoned and the electricity service has been turned off. There is nothing to prevent freezing and thawing of the contents in the drums and containers. The doorways are open and the building roofs are leaking. U.S. EPA observed unknown solids with total chromium concentrations as high as 7,085 ppm and total lead concentrations as high as 1,035 ppm within 5 feet of a storm-water drain. There is

nothing to prevent rainwater from entering the buildings and causing the migration of lead-contaminated floor sweepings and wall solids into the environment.

Threat of fire or explosion;

Analytical results from the U. S. EPA Site Assessment documented that the liquid in at least three containers contain flammable wastes and pose a threat of fire or explosion. U.S. EPA documented three liquid samples having flashpoint results below 140 °F, which meets the criteria for ignitibility for a RCRA characteristic waste. As such, these materials represent a threat of fire or explosion.

The availability of other appropriate Federal or state response mechanisms to respond to the release;

Ohio EPA does not have the resources to respond to this Site. In a letter dated February 3, 2012, Ohio EPA formally requested assistance from U.S. EPA to determine if the HTI Site met the criteria for a removal action (Ohio EPA, February 2012).

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the known and suspected hazardous substances on Site, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response actions selected in this Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

The response actions described in this memorandum directly address actual or potential releases of hazardous substances on Site, which may pose an imminent and substantial endangerment to public health, or welfare, or the environment. Removal activities on Site will include:

1. Develop and implement a Site-specific Health and Safety Plan, including an Air Monitoring Plan, and a Site Emergency Contingency Plan;

2. Develop and implement a Site Security Plan;

3. Secure Site with fence repair, boarding and/or locking windows and doors.

4. Inventory, sample, and perform hazard characterization, in compliance with a Site-specific QA/QC Plan, on all substances contained in drums, containers, pits, transformers and waste piles;

5. Consolidate and package all hazardous substances, pollutants and contaminants for transportation and off-site disposal;

6. Dismantle and decontaminate process equipment and building components associated with the product process area for recycling, as necessary;

7. Consolidate and package heavy metal-contaminated floor sweepings and wall solids for transportation and off-site disposal;

8. Transport and dispose of all characterized or identified hazardous substances, pollutants, wastes, or contaminants at a RCRA/CERCLA-approved disposal facility in accordance with U.S. EPA's Off-Site Rule (40 C.F.R. § 300.440).

9. Take any other response actions to address any release or threatened release of a hazardous substance, pollutant or contaminant that the U.S. EPA OSC determines may pose an imminent and substantial endangerment to the public health or the environment.

The removal action will be conducted in a manner not inconsistent with the National Contingency Plan (NCP). The OSC has initiated planning for provision of post-removal Site control consistent with the provisions of Section 300.415(l) of the NCP.

Off-Site Rule

All hazardous substances, pollutants, or contaminants removed off-Site pursuant to this removal action for treatment, storage, and disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Off-Site Rule, 40 C.F.R. § 300.440.

2. Contribution to remedial performance:

The proposed action will not impede future actions based on available information. At this time it is not known if long-term remedial actions will be needed for the Site.

3. Engineering Evaluation/Cost Analysis (EE/CA)

Not Applicable

Applicable or relevant and appropriate requirements (ARARs)

All applicable and relevant and appropriate requirements (ARARs) of Federal and State law will be complied with to the extent practicable. The OSC submitted a letter dated March 23, 2012, to George Strobel, Ohio EPA Southwest District Office, requesting state ARARs for the HTI Site. Any state ARARs identified in a timely manner will be complied with to the extent practicable.

Project Schedule

The removal activities are expected to take 40 on-site working days to complete.

Estimated Costs

The detailed cleanup contractor cost is presented in Attachment I and the Independent Government Cost Estimate is presented in Attachment IV. Estimated project costs are summarized below:

Regional Removal Allowance Costs	
Total Cleanup Contractor Costs (Includes a 20% contingency)	$697,229
Other Extramural Costs Not Funded from the Regional Allowance	
Total START, including multiplier costs	$66,000
Subtotal, Extramural Costs	$763,229
Extramural Costs Contingency (15% of Subtotal, Extramural Costs)	$114,484
TOTAL REMOVAL ACTION PROJECT CEILING	$877,713

The response actions described in this memorandum directly address actual or threatened releases of hazardous substances, pollutants, or contaminants at the Site which may pose an imminent and substantial endangerment to public health and safety and the environment. These response actions do not impose a burden on the affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Given the Site conditions, the nature of the hazardous substances and pollutants or contaminants documented on Site, and the potential exposure pathways to nearby populations described in Section II, III, IV, and V above, actual or threatened releases of hazardous substances and pollutants or contaminants from this Site, if not addressed by implementing or delaying the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment, increasing the potential that hazardous substances will be released, thereby threatening the adjacent population and the environment.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum.

The total U.S. EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be $1,570,069.[1]

($877,713 + $86,940) + (62.76% x $964,653) = $1,570,069

IX. RECOMMENDATION

This decision document represents the selected removal action for the HTI Site, located in Dayton, Montgomery County, Ohio, developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based upon the Administrative Record for the Site (Attachment II). Conditions at the Site meet the NCP Section 300.415(b) criteria for a removal, and I recommend your approval of the proposed removal action.

[1] Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

The total removal action project ceiling, if approved, will be $877,713. Of this, as much as $811,713 comes from the Regional removal allowance.

APPROVE _____ DATE: 4-23-12
Director, Superfund Division

DISAPPROVE _____ DATE: _____
Director, Superfund Division

Enforcement Addendum

Figures:

- A-1 Site Location Map
- A-2 Site Layout Map
- A-3 XRF Sampling Location Map
- A-4 Photographic Documentation

Tables:

- B-1 Laboratory Analytical Results
- B-2 XRF Sampling Results

Attachments:

- I. Detailed Cleanup Contractor Cost Estimate
- II. Administrative Record Index
- III. Region V EJ Analysis
- IV. Independent Government Cost Estimate

cc: S. Fielding, U.S. EPA 5202G
V. Darbv, U.S. Department of Interior, **w/o Enf. Attachment**
(email: michael_chezik@ios.doi.gov)
Scott Nally, Director, Ohio EPA, **w/o Enf. Addendum**
(email: Scott.Nally@epa.state.oh.us)
Mike DeWine, Ohio Attorney General, **w/o Enf. Addendum**
(email: Mike.DeWine@ohioattorneygeneral.gov)

ENFORCEMENT ADDENDUM

ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY

FOIA EXEMPT

HARRIS-THOMAS INDUSTRIES SITE
DAYTON, MONTGOMERY COUNTY, OHIO

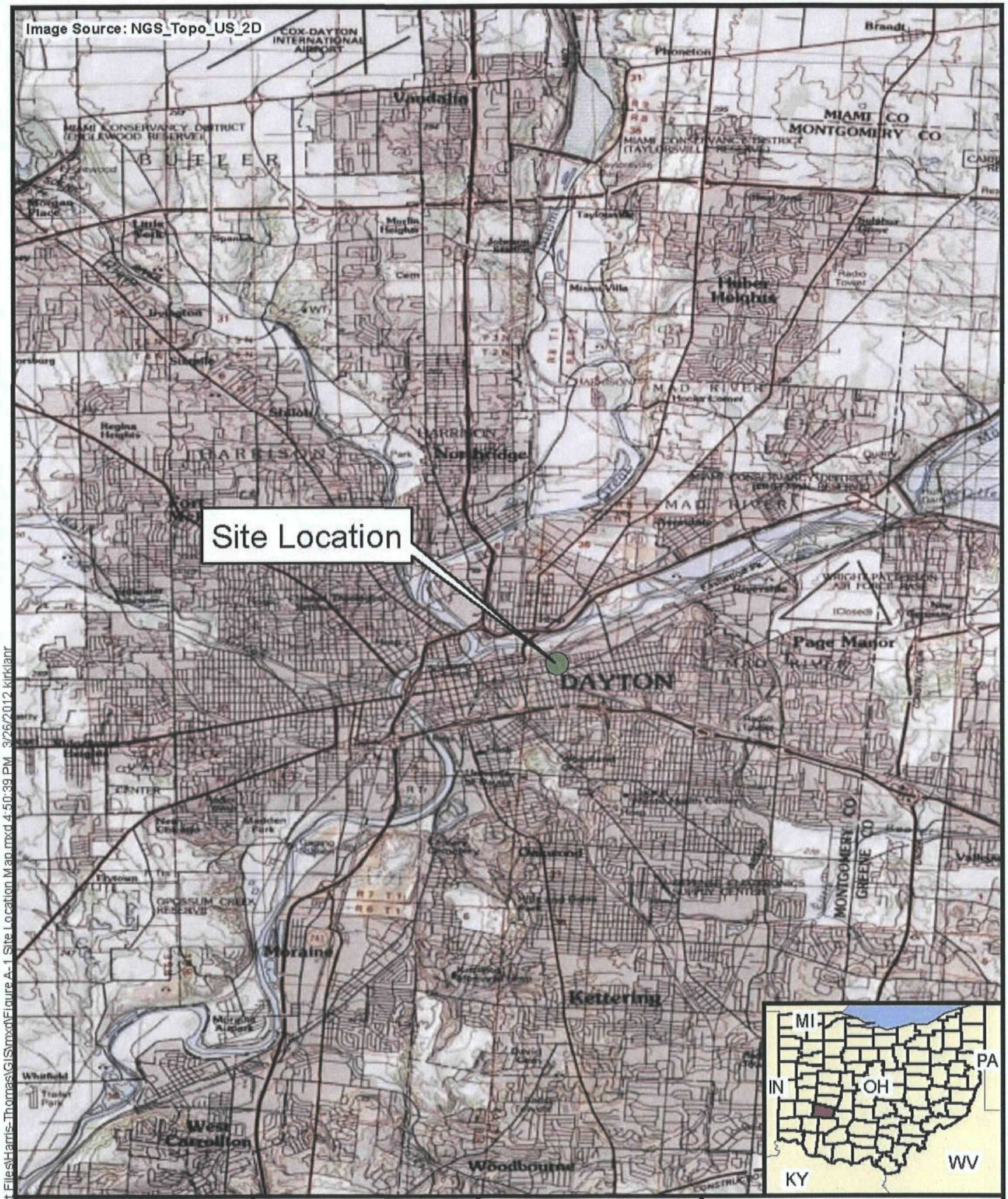
APRIL 23, 2012

(REDACTED 3 PAGES)

ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY

FIGURE A-1

SITE LOCATION MAP



FILE: C:\START Project Files\Harris-Thomas\GIS\mxd\Figure A-1 Site Location Map.mxd 4:50:39 PM 3/26/2012 kirklanr

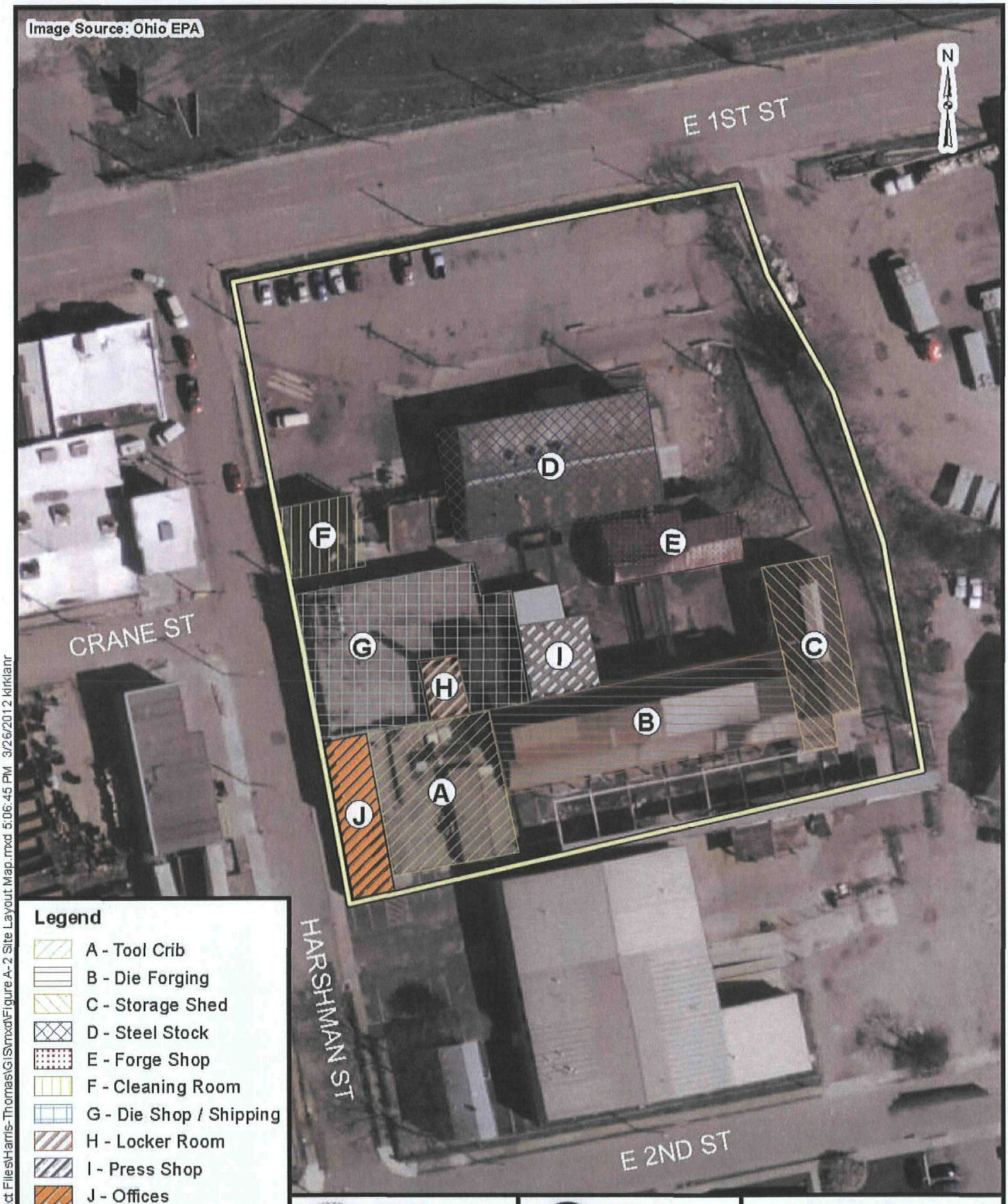
Prepared for:
U.S. EPA REGION V
Contract No.: EP-S5-06-04
TDD: S05-0001-1202-004
DCN: 1736-4H-AUHT

Prepared By:
WESTON SOLUTIONS, INC
4710-A Interstate Drive
Cincinnati, Ohio 45246

Figure A-1
Site Location Map
Harris-Thomas Industries Site
Dayton, Montgomery County, Ohio

FIGURE A-2

SITE LAYOUT MAP



Legend

- A - Tool Crib
- B - Die Forging
- C - Storage Shed
- D - Steel Stock
- E - Forge Shop
- F - Cleaning Room
- G - Die Shop / Shipping
- H - Locker Room
- I - Press Shop
- J - Offices
- Shed
- Site Boundary

0 75 Feet

Prepared for:
U.S. EPA REGION V

Contract No.: EP-S5-06-04
TDD: S05-0001-1202-004
DCN:

Prepared By:
WESTON SOLUTIONS, INC

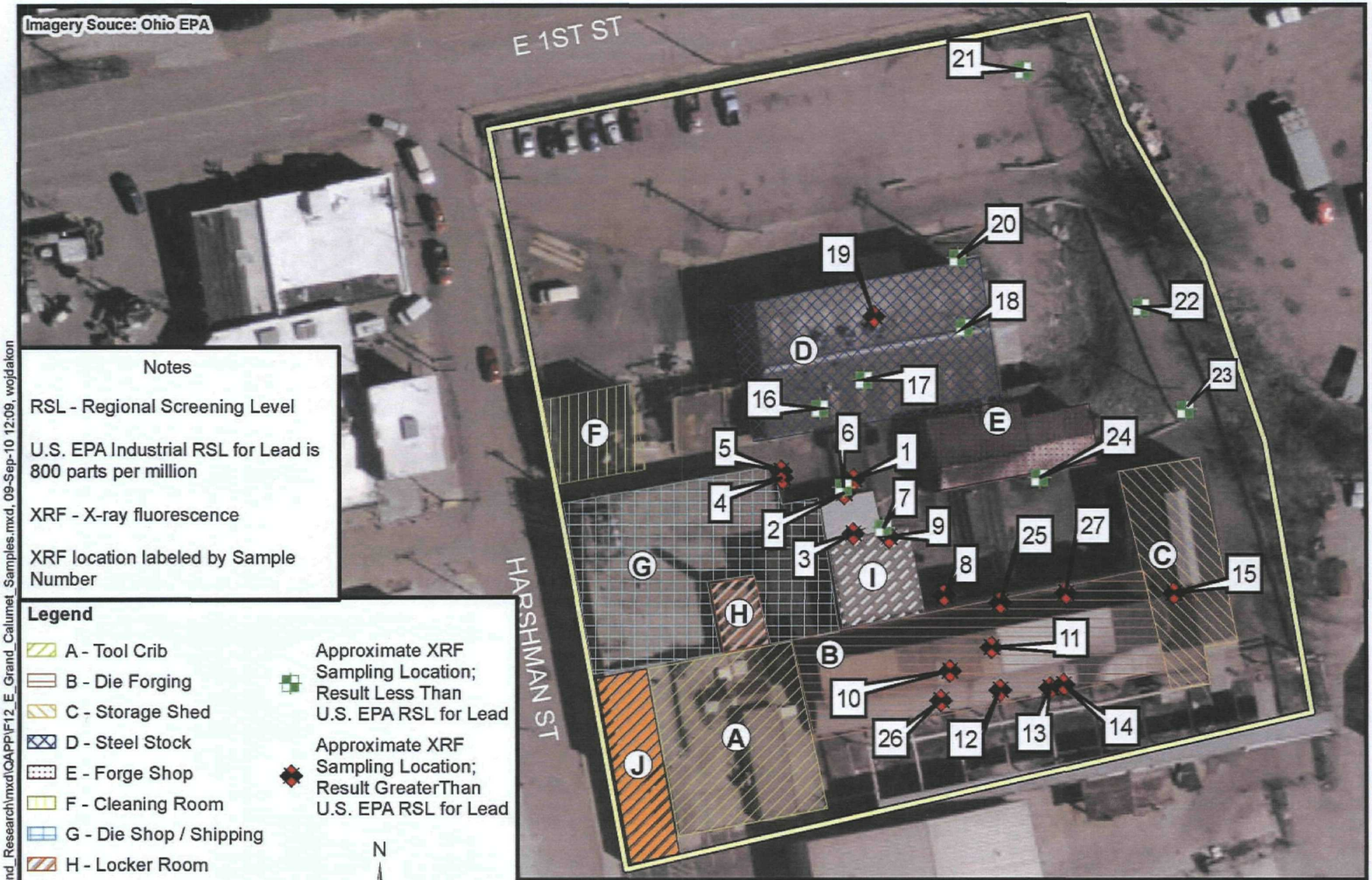
4710-A Interstate Drive
Cincinnati, Ohio 45246

Figure A-2
Site Layout Map
Harris-Thomas Industries Site
Dayton, Montgomery County, Ohio

FILE: C:\START Project Files\Harris-Thomas\GIS\mxd\Figure A-2 Site Layout Map.mxd 5:06:45 PM 3/26/2012 kirklanr

FIGURE A-3

XRF SAMPLING LOCATION MAP



File: D:\Sediment_Amend_Research\mxd\QAPP\F12_E_Grand_Calumet_Samples.mxd, 09-Sep-10 12:09, wojdakon

Prepared For:
U.S. EPA REGION V
Contract No.: EP-S5-06-04
TDD: S05-0001-1202-004
DCN: 1736-2A-AVHO

Prepared By:
WESTON SOLUTIONS, INC.
4710-A Interstate Drive
Cincinnati, Ohio 45246

Figure A-3
XRF Sampling Location Map
Harris-Thomas Industries Site
Dayton, Montgomery County, Ohio

FIGURE A-4

PHOTOGRAPHIC DOCUMENTATION

Photo 1: Front of the facility

Photo 2: Oil staining on sidewalk from initial release in February 2012

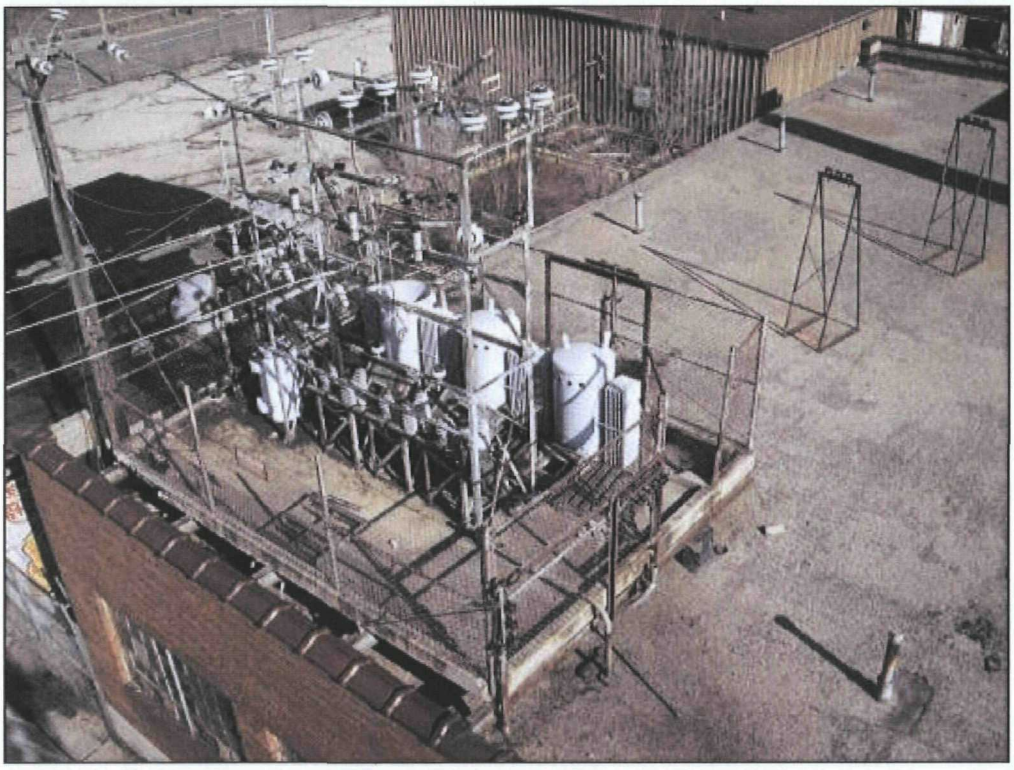


Photo 3: Four transformers on the roof of Building G. Three of these transformers were emptied of its oil by trespassers in February 2012

Photo 4: Sample S-7 having a flash point of less than 58°F and a TCLP MEK concentration of 170,000 mg/L

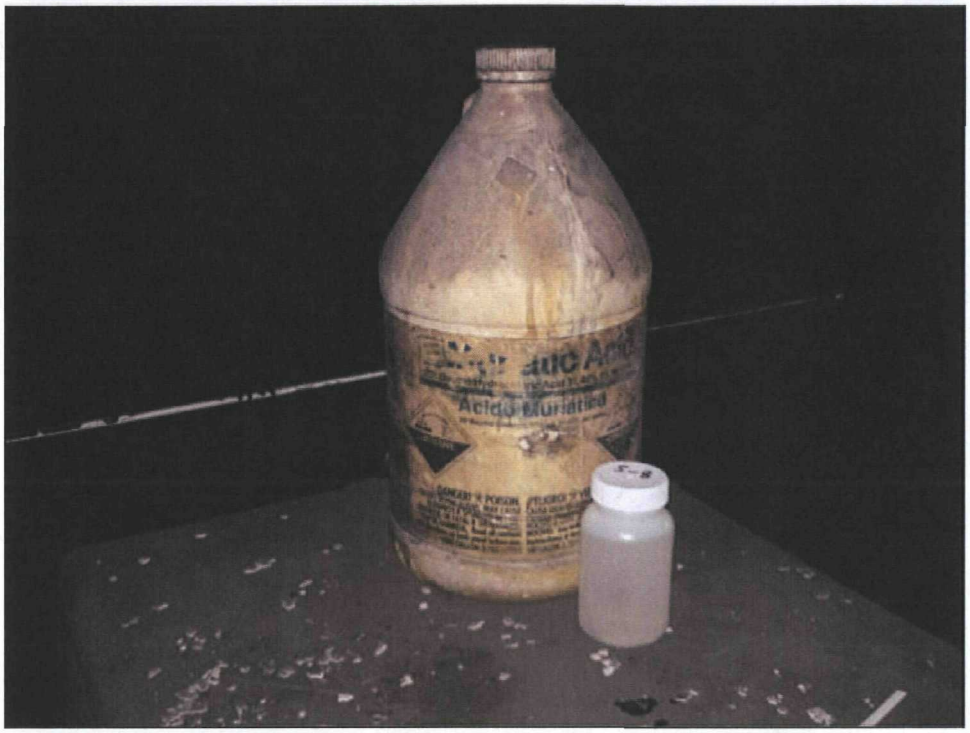


Photo 5: Sample S-8 having a pH of 1.0 standard unit

Photo 6: Pit containing unknown liquid

Photo 7: Abandoned 55-gallon drum

Photo 8: Pit containing unknown liquid

Photo 9: Fencing surrounding transformers that was cut down by trespassers. Notice the oil staining on the roof

Photo 10: Heavy metals-contaminated floor sweepings

TABLE B-1

U.S. EPA ANALYTICAL RESULTS
HARRIS-THOMAS INDUSTRIES SITE

Parameter	Regulatory Limit	Sample Designation				
		S-1	S-2	S-3	S-4	S-5
Flashpoint (°F)	< 140 °F	NA	NA	NA	NA	NA
TCLP 2-Butanone (MEK) (in mg/L)	200.0	NA	NA	NA	NA	NA
PCBs	50.0	ND	ND	ND	ND	NA
Total Chrome (in mg/kg)	Not applicable	ND	4.6	770	5.2	610
Total Lead (in mg/kg)	Not applicable	0.8	1.1	170	49	690
pH	Liquid Sample Less than 2.0	NA	NA	NA	NA	NA
Location		Building A	Building A	Building A Floor Sweepings	Building B	Building B Floor Sweepings
Container type		Pit	Pit	None	Pit	None
Label Information		None	None	None	None	None

< = Less than
°F = Degrees Fahrenheit
mg/kg = milligrams per kilogram
mg/L = milligrams per liter
NA = Not analyzed
ND = Not detected (reporting limit)
MEK – Methyl Ethyl Ketone
TCLP = Toxicity Characteristic Leaching Procedure
Bolded and Shaded results indicate Regulatory Level exceedances

TABLE B-1

U.S. EPA ANALYTICAL RESULTS
HARRIS-THOMAS INDUSTRIES SITE

Parameter	Regulatory Limit	Sample Designation				
		S-6	S-7	S-8	S-9	S-10
Flashpoint (°F)	< 140 °F	NA	**≤ 58 °F**	NA	NA	NA
TCLP 2-Butanone (MEK) (in mg/L)	200.0	NA	**170,000**	NA	NA	NA
PCBs	50.0	NA	NA	NA	ND	NA
Total Chrome (in mg/kg)	Not applicable	NA	NA	NA	730	NA
Total Lead (in mg/kg)	Not applicable	NA	NA	NA	48	NA
pH	Liquid Sample Less than 2.0	NA	NA	**1.0**	NA	NA
Location		Building B	Building F	Building D	Building D Floor Sweepings	Outside solids, adjacent to Building E
Container type		Pit	5-gallon container	1-gallon container	None	None
Label Information		None	Lacquer	Muriatic Acid	None	None

< = Less than
°F = Degrees Fahrenheit
mg/kg = milligrams per kilogram
mg/L = milligrams per liter
NA = Not analyzed
ND = Not detected (reporting limit)
MEK – Methyl Ethyl Ketone
TCLP = Toxicity Characteristic Leaching Procedure
Bolded and Shaded results indicate Regulatory Level exceedances

TABLE B-1

U.S. EPA ANALYTICAL RESULTS
HARRIS-THOMAS INDUSTRIES SITE

Parameter	Regulatory Limit	Sample Designation				
		S-11	S-12	S-13	S-14	S-15
Flashpoint (°F)	< 140 °F	**120 °F**	**≤58 °F**	NA	NA	NA
TCLP 2-Butanone (MEK) (in mg/L)	200.0	NA	NA	NA	NA	NA
PCBs	50.0	NA	NA	ND	NA	NA
Total Chrome (in mg/kg)	Not applicable	NA	NA	97	840	NA
Total Lead (in mg/kg)	Not applicable	NA	NA	72	44	NA
pH	Liquid Sample Less than 2.0	NA	NA	NA	NA	NA
Location		Building D	Building D	Soil in front of transformer - East of Building E	Building D Floor Sweepings	Building B Floor Sweepings
Container type		16-ounce can	16-ounce can	None	None	None
Label Information		Cleaner Degreaser	Primer	None	None	None

< = Less than
°F = Degrees Fahrenheit
mg/kg = milligrams per kilogram
mg/L = milligrams per liter
NA = Not analyzed
ND = Not detected (reporting limit)
MEK – Methyl Ethyl Ketone
TCLP = Toxicity Characteristic Leaching Procedure
Bolded and Shaded results indicate Regulatory Level exceedances

TABL B-1

U.S. EPA ANALYTICAL RESULTS
HARRIS-THOMAS INDUSTRIES SITE

Parameter	Regulatory Limit	Sample Designation					
		S-16	S-17	S-18	S-19	S-20	S-21
Flashpoint (°F)	< 140 °F	NA	NA	NA	NA	NA	NA
TCLP 2-Butanone (MEK) (in mg/L)	200.0	NA	NA	NA	NA	NA	NA
PCBs	50.0	NA	NA	NA	NA	NA	NA
Total Chrome (in mg/kg)	Not applicable	NA	NA	NA	NA	NA	NA
Total Lead (in mg/kg)	Not applicable	NA	NA	NA	NA	NA	NA
pH	Liquid Sample Less than 2.0	NA	NA	NA	NA	NA	NA
Location		Building I Floor Debris	Building B Wall Solids	Building G Chimney Debris	North of Building I near stormwater drain	Building B Floor Debris	Building B Wall Solids
Container type		None	None	None	None	None	None
Label Information		None	None	None	None	None	None

< = Less than
°F = Degrees Fahrenheit
mg/kg = milligrams per kilogram
mg/L = milligrams per liter
NA = Not analyzed

ND = Not detected (reporting limit)
MEK – Methyl Ethyl Ketone
TCLP = Toxicity Characteristic Leaching Procedure
Bolded and Shaded results indicate Regulatory Level exceedances

TABLE B-2

XRF SAMPLING RESULTS
HARRIS-THOMAS INDUSTRIES SITE

Sample No.	Total Chrome (ppm)	Total Lead (ppm)	Location	Description
1	6,561	818	North of storage shed	Outside on the ground
2	7,085	1,035	Near stormwater drain	Within 5-feet of stormwater drain
3	9,293	968	Storage shed	Floor debris
4	ND	7,453	Incinerator chimney	Debris in chimney
5	ND	1,752	Incinerator chimney	White solid in chimney
6	7,270	672	West of Building E	Slag pile
7	3,008	284	In front of storage shed	Floor debris
8	19,529	870	East of Building I	Drum debris on top of soil
9	16,686	1,379	Building I	Floor debris
10	18,873	1,474	Building B	Floor debris
11	11,735	1,501	Building B	Floor debris
12	9,518	1,165	Building B	Floor debris
13	13,501	57,629	Building B	Wall solids
14	13,147	49,048	Building B	Wall solids
15	2,444	1,680	Adjacent to oven in Building C	Floor debris
16	727	61	Building D	Floor debris
17	ND	15	Building D	Floor debris
18	ND	14	Building D	Floor debris
19	8,263	1,408	Building D	Floor debris
20	419	310	Building D	Adjacent to transformer
21	388	165	Next to north gate	Driveway soil
22	518	72	East driveway	Driveway soil
23	478	99	East driveway	Driveway soil
24	1,087	386	In front of Building E	Outside on the ground
25	4,077	823	Building B	Floor debris
26	15,277	3,175	Building B	Wall debris
27	17,384	2,812	Building B	Wall debris
S-15	19,017	1,888	Building B	Composite sample of floor sweepings collected between the two large pits located in Building B
S-16	13,665	1,076	Building I	Composite sample of wall solids from Building I
S-17	21,617	1,348	Building B	Composite sample of wall solids from the southern wall in Building B
S-18	5,807	18,546	Incinerator chimney attached to Building G	Composite sample of solids collected from the incinerator chimney attached to Building G
S-19	6,085	893	Adjacent to stormwater drain	Composite sample of foundry sand adjacent to the stormwater drain located north of the shed and south of Building D
S-20	8,152	1,437	Building B	Composite sample of a pile of foundry sand north of the eastern large pit in Building B
S-21	17,384	2,812	Building B	Composite sample of wall solids from the northern wall in Building B

Notes:
ND = Not detected at XRF method detection limit
ppm = parts per million
Bolded and shaded results indicate results which exceed the 800 ppm U.S. EPA Regional Screening Level for lead at industrial properties

ATTACHMENT I

DETAILED CLEANUP CONTRACTOR COST ESTIMATE
INDEPENDENT GOVERNMENT CLEANUP CONTRACTOR ESTIMATE

HARRIS-THOMAS INDUSTRIES SITE
DAYTON, MONTGOMERY COUNTY, OHIO
APRIL 2012

The estimated cleanup contractor (ERRS) costs necessary to complete the removal action at the HTI Site are as follows:

Personnel & Equipment	$ 346,274
Materials/Misc	$ 135,000
Transportation & Disposal	$ 99,750
Total	$ 581,024
Plus 20% Contingency	$ 116,205
Total ERRS Contractor Costs	**$ 697,229**

ATTACHMENT II

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
HARRIS-THOMAS INDUSTRIES SITE
DAYTON, MONTGOMERY COUNTY, OHIO

ORIGINAL
MARCH 2012

NO	DATE	AUTHOR	RECIPIENT	TITLE/DESCRIPTION	PAGES
1	09/00/95	ATSDR	File	ToxFAQs Sheet for 2-Butanone CAS #78-93-3	2
2	02/03/12	Clouse, K., Ohio EPA	Durno, M., U.S. EPA	Letter re: Ohio EPA Requests U.S. EPA Assistance in Conducting an Emergency Removal Action at the Harris-Thomas Industries Site	1
3	02/06/12	Redden II, H., Director of Fire Services - City of Dayton Fire Department	Renninger, S., U.S. EPA	Letter re: Dayton Fire Department Requests U.S. EPA Assistance in Conducting a Potential Time-Critical Removal Action at the Harris-Thomas Industries Facility	2
4	03/23/12	Renninger, S. U.S. EPA	Stroebel, G., Ohio EPA	Letter re: U.S. EPA Request that Ohio EPA Identify any State ARARs for the Harris-Thomas Industries Site	2
5	03/24/12	Zimmer, D., City of Dayton Housing Inspection Department	Renninger, S. U.S. EPA	Email re: City of Dayton House Inspection Department Requests U.S. EPA Assistance to Evaluate the Property for Additional Security Measures to Limit Unauthorized Access	1
6	03/26/12	Simmons, M., City of Dayton Division of Environmental Management	Renninger, S., U.S. EPA	Letter re: City of Dayton Environmental Requests U.S. EPA Assistance in Conducting a Potential Time-Critical Removal Action at the Harris-Thomas Industries Facility	1
7	03/26/12	Dayton Police Department	File	Police Report Number 1203200138 documenting the trespassing and vandalism incident in March 2012	3

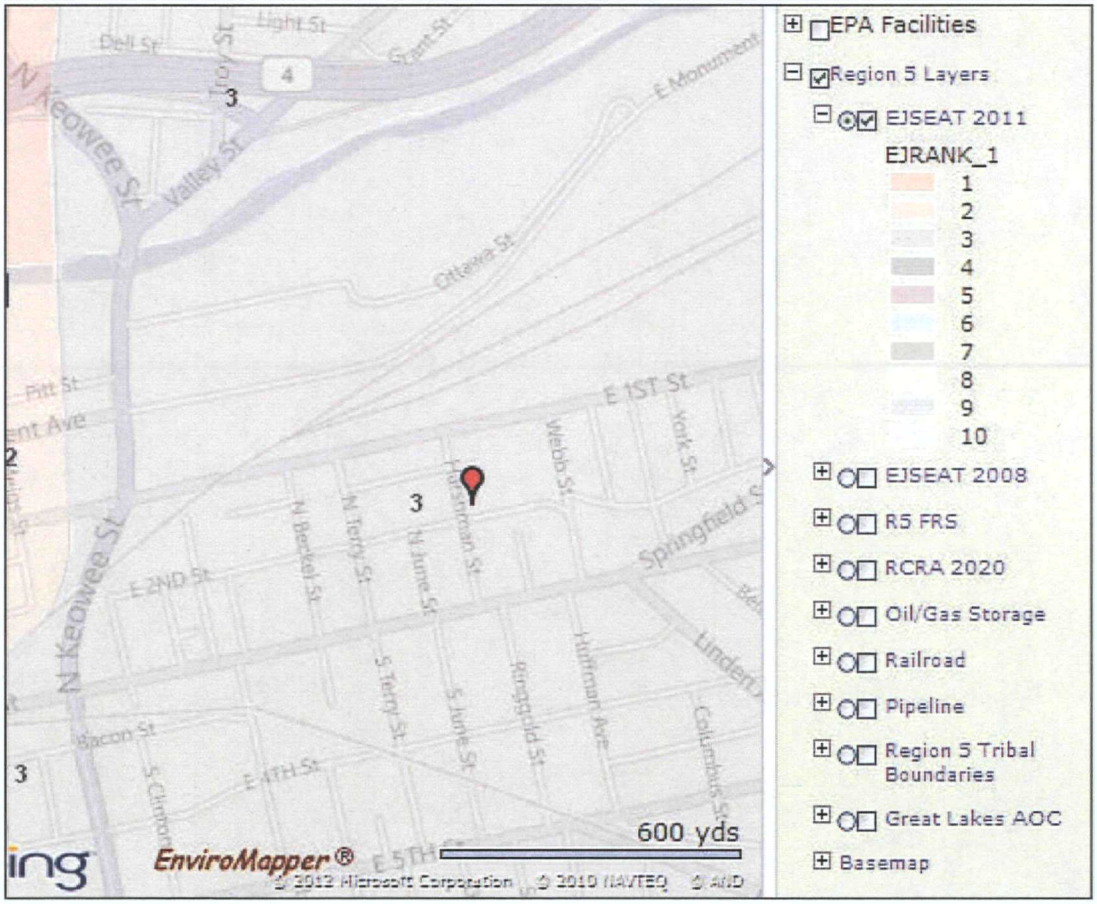
8	04/00/12	Weston Solutions, Inc.	U.S. EPA	Site Assessment Report for the Harris-Thomas Industries Site **(PENDING)**
9	04/00/12	Renninger, S., U.S. EPA	Karl, R., U.S. EPA	Action Memorandum: Harris-Thomas Industries Site **(PENDING)**

ATTACHMENT III

REGION 5 EJ ANALYSIS

The area surrounding the HTI Site was screened for Environmental Justice (EJ) concerns using Region 5's EJ Assist Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT)). Census tracts with a score of 1, 2, or 3 are considered to be high-priority potential EJ areas of concern according to EPA Region 5. The HTI Site is in a census tract with a score of **3** (Figure 1). Therefore, Region 5 considers this Site to be a high-priority potential EJ area of concern.

Figure 1
HTI Site Map Showing EJ SEAT Values For Surrounding Area



ATTACHMENT 4

INDEPENDENT GOVERNMENT COST ESTIMATE

HARRIS-THOMAS INDUSTRIES SITE
DAYTON, MONTGOMERY COUNTY, OHIO
APRIL 2012

(REDACTED 3 PAGES)

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION